

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re: C&L DELLA VALLE XXVI, LLC

§ Case No. 17-71578-PMB

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Debtor(s)

TRUSTEE'S FINAL REPORT (TFR)

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed on 12/14/2017. The undersigned trustee was appointed on 12/14/2017.

2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.

3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized the gross receipts of \$ 1,598,500.00

Funds were disbursed in the following amounts:

Payments made under an interim distribution	<u>1,328,375.33</u>
Administrative expenses	<u>106,704.37</u>
Bank service fees	<u>1,347.43</u>
Other payments to creditors	<u>0.00</u>
Non-estate funds paid to 3rd Parties	<u>0.00</u>
Exemptions paid to the debtor	<u>0.00</u>
Other payments to the debtor	<u>0.00</u>
Leaving a balance on hand of ¹	<u>\$ 162,072.87</u>

The remaining funds are available for distribution.

¹The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. § 326(a) on account of the disbursement of the additional interest.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing non-governmental claims in this case was 05/07/2018 and the deadline for filing governmental claims was 06/12/2018. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$70,813.37. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests the sum of \$70,813.37, for a total compensation of \$70,813.37². In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$306.62 for total expenses of \$306.62².

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 10/23/2018

By: /s/ S. Gregory Hays
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. §1320.4(a)(2) applies.

²If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D)

Form 1

**Individual Estate Property Record and Report
Asset Cases**

Exhibit A

Page: 1

Case No.: 17-71578-PMB

Case Name: C&L DELLA VALLE XXVI, LLC

Trustee Name: (300320) S. Gregory Hays

Date Filed (f) or Converted (c): 12/14/2017 (f)

§ 341(a) Meeting Date: 01/16/2018

For Period Ending: 10/23/2018

Claims Bar Date: 05/07/2018

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #		2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Formally Abandoned OA=§554(a) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	4570 Blackland Drive Marietta, GA 30067, Valuation Method: Zillow	1,699,000.00	139,000.00		1,479,000.00	FA
2	541 Fort Street NE Marietta GA 30060, Valuation Method: Zillow	137,152.00	22,300.00		119,500.00	FA
2	Assets Totals (Excluding unknown values)	\$1,836,152.00	\$161,300.00		\$1,598,500.00	\$0.00

Major Activities Affecting Case Closing:

Initial Projected Date Of Final Report (TFR): 12/31/2019

Current Projected Date Of Final Report (TFR): 10/23/2018

10/23/2018

Date

/s/S. Gregory Hays

S. Gregory Hays

Form 2Exhibit B
Page: 1**Cash Receipts And Disbursements Record****Case No.:** 17-71578-PMB**Trustee Name:**

S. Gregory Hays (300320)

Case Name: C&L DELLA VALLE XXVI, LLC**Bank Name:**

Rabobank, N.A.

Taxpayer ID #: **_***9871**Account #:**

*****8300 Checking

For Period Ending: 10/23/2018**Blanket Bond (per case limit):** \$30,390,000.00**Separate Bond (if applicable):** N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
03/16/18	{2}	Great Southern Realty Capital LLC	Earnest Money Applied to sale of 541 Fort Street, Marietta per Order, Docket # 55.	1110-000	2,000.00		2,000.00
03/20/18		Campbell & Brannon IOLTA (Kimberly & John Keith)	Sale of 4570 Blackland Drive, Marietta, GA 30067 per Order, Docket # 40.		122,374.35		124,374.35
	{1}	Kimberly Keith and John Keith	Gross Sale Price. Sold per Order, Docket # 40. \$1,479,000.00	1110-000			124,374.35
		AMF HOLDINGS, LLC Brian Hall, c/o Smith, Gambrell & Russell, LL	Mortgage payoff paid per Order, Docket # 40. -\$1,233,514.50	4110-000			124,374.35
		Engel & Voelkers North America	Real Estate Commission paid per Order, Docket # 40. -\$44,370.00	3510-000			124,374.35
		Coldwell Banker Residential Brokers	Real Estate Commission paid per Order, Docket # 40. -\$44,370.00	3510-000			124,374.35
		Cobb County Tax Commissioner	2018 Property taxes paid per Order, Docket # 40. -\$4,422.16	2820-000			124,374.35
		Wellsley Park Homeowners Association, Inc.	Homeowner association lien paid per Order, Docket # 40. -\$1,062.00	4120-000			124,374.35
		Wellsley Park Homeowners Association, Inc.	Net 2018 Homeowner association dues paid per Order, Docket # 40. -\$158.22	2500-000			124,374.35
		Cobb County Water System	Water bill paid per Order, Docket # 40. -\$113.88	2500-000			124,374.35
		Cobb County Tax Commissioner	2017 property taxes paid per Order, Docket # 40. -\$22,794.77	4700-000			124,374.35
		Manuela Condado	Property clean up paid per Order, Docket # 40. -\$700.00	2500-000			124,374.35
		Robin Blass	Junk removal expense reimbursement paid per Order, Docket # 40. -\$379.00	2500-000			124,374.35
		Cammie Della Valle	Move out expenses paid per Order, Docket # 40. -\$4,741.12	2500-000			124,374.35
03/30/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		53.85	124,320.50

Page Subtotals: \$124,374.35 \$53.85

Form 2Exhibit B
Page: 2**Cash Receipts And Disbursements Record****Case No.:** 17-71578-PMB**Trustee Name:**

S. Gregory Hays (300320)

Case Name: C&L DELLA VALLE XXVI, LLC**Bank Name:**

Rabobank, N.A.

Taxpayer ID #: **-***9871**Account #:**

*****8300 Checking

For Period Ending: 10/23/2018**Blanket Bond (per case limit):** \$30,390,000.00**Separate Bond (if applicable):** N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
04/16/18		Campbell & Brannon IOLTA (Great Southern Realty Capital, Buyer)	Sale of 541 Fort Street, Marietta per Order, Docket # 55.		39,045.95		163,366.45
	{2}	Great Southern Realty Capital, LLC	Sale of 541 Fort Street, Marietta per Order, Docket # 55. \$117,500.00	1110-000			163,366.45
		City of Marietta	Real Property taxes paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. -\$216.69	2820-000			163,366.45
		Cobb County Tax Commissioner	Real Property taxes paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. -\$63.30	2820-000			163,366.45
		Phoenix Shelter Corp	Real Estate Commission paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. -\$3,585.00	3510-000			163,366.45
		Berkkshire Hathaway	Real Estate Commission paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. -\$3,585.00	3510-000			163,366.45
		ACLAIM CREDIT STRATEGIES FUND, LP Brian Hall, c/o Smith, Gambrell & Russell, LL	First Mortgage paid at closing of the sale of 541 Fort Street, Marietta per Order, Docket # 55. Check paid at closing to AMF Holdings per attorney for creditor. -\$71,004.06	4110-000			163,366.45
04/30/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		193.44	163,173.01
05/31/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		258.18	162,914.83
06/29/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		226.51	162,688.32
07/31/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		249.60	162,438.72
08/31/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		241.43	162,197.29
09/28/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		124.42	162,072.87

Page Subtotals: **\$39,045.95** **\$1,293.58**

Form 2

Exhibit B
Page: 3

Cash Receipts And Disbursements Record

Case No.: 17-71578-PMB **Trustee Name:** S. Gregory Hays (300320)
Case Name: C&L DELLA VALLE XXVI, LLC **Bank Name:** Rabobank, N.A.
Taxpayer ID #: **-***9871 **Account #:** *****8300 Checking
For Period Ending: 10/23/2018 **Blanket Bond (per case limit):** \$30,390,000.00
Separate Bond (if applicable): N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance

COLUMN TOTALS		163,420.30	1,347.43	\$162,072.87
Less: Bank Transfers/CDs		0.00	0.00	
Subtotal		163,420.30	1,347.43	
Less: Payments to Debtors			0.00	
NET Receipts / Disbursements		\$163,420.30	\$1,347.43	

Form 2

Exhibit B
Page: 4

Cash Receipts And Disbursements Record

Case No.: 17-71578-PMB
Case Name: C&L DELLA VALLE XXVI, LLC
Taxpayer ID #: **_***9871
For Period Ending: 10/23/2018

Trustee Name: S. Gregory Hays (300320)
Bank Name: Rabobank, N.A.
Account #: *****8300 Checking
Blanket Bond (per case limit): \$30,390,000.00
Separate Bond (if applicable): N/A

Net Receipts:	\$163,420.30
Plus Gross Adjustments:	\$1,435,079.70
Less Payments to Debtor:	\$0.00
Less Other Noncompensable Items:	\$0.00
Net Estate:	\$1,598,500.00

TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCES
*****8300 Checking	\$163,420.30	\$1,347.43	\$162,072.87
	\$163,420.30	\$1,347.43	\$162,072.87

10/23/2018

Date

/s/S. Gregory Hays

S. Gregory Hays

Exhibit C

Analysis of Claims Register

Case: 17-71578-PMB

C&L DELLA VALLE XXVI, LLC

Claims Bar Date: 05/07/18

Claim No.	Claimant Name/ <Category>, Priority	Claim Type/ Date Filed	Claim Ref	Amount Filed/ Allowed	Paid to Date	Claim Balance
1	AMF HOLDINGS, LLC c/o Smith, Gambrell & Russell, LLC/Brian Hall 1230 Peachtree Street, NE, Ste 3100 Atlanta, GA 30309 <4110-000 Real Estate - Consensual Liens (mortgages, deeds of trust)> , 100	Secured 03/13/18		\$1,223,359.55 \$1,233,514.50	\$1,233,514.5 0	\$0.00
Claim paid in full at closing of Blackland Drive property per Order, Docket # 40.						
2	ACLAIME CREDIT STRATEGIES FUND, LP c/o Smith, Gambrell & Russell, LLC/Brian Hall 1230 Peachtree Street, NE, Ste 3100 Atlanta, GA 30309 <4110-000 Real Estate - Consensual Liens (mortgages, deeds of trust)> , 100	Secured 03/13/18		\$70,352.16 \$71,004.06	\$71,004.06	\$0.00
Claim paid in full at closing of Fort Street property per Order, Docket # 55.						
ADM1	S. Gregory Hays 2964 Peachtree Road, NW, Ste. 555 Atlanta, GA 30305 <2100-000 Trustee Compensation> , 200	Administrative 10/18/18		\$70,813.37 \$70,813.37	\$0.00	\$70,813.37
ADM2	S. Gregory Hays 2964 Peachtree Road, NW, Ste. 555 Atlanta, GA 30305 <2200-000 Trustee Expenses> , 200	Administrative 04/16/18		\$306.62 \$306.62	\$0.00	\$306.62
ADM3	Arnall Golden Gregory LLP Attn: Michael Bargar 171 17th Street NW Ste 2100 Atlanta, GA 30363-1031 <3210-000 Attorney for Trustee Fees (Other Firm)> , 200	Administrative 06/21/18		\$49,582.00 \$49,582.00	\$0.00	\$49,582.00
ADM4	Arnall Golden Gregory LLP Attn: Michael Bargar 171 17th Street NW Ste 2100 Atlanta, GA 30363-1031 <3220-000 Attorney for Trustee Expenses (Other Firm) > , 200	Administrative 06/21/18		\$622.50 \$622.50	\$0.00	\$622.50

Exhibit C
Analysis of Claims Register

Case: 17-71578-PMB

C&L DELLA VALLE XXVI, LLC

Claims Bar Date: 05/07/18

Claim No.	Claimant Name/ <Category>, Priority	Claim Type/ Date Filed	Claim Ref	Amount Filed/ Allowed	Paid to Date	Claim Balance
ADM5	Hays Financial Consulting, LLC 2964 Peachtree Rd NW Ste 555 Atlanta, GA 30305 <3310-000 Accountant for Trustee Fees (Trustee Firm)> , 200	Administrative 10/18/18		\$7,320.00 \$7,320.00	\$0.00	\$7,320.00
ADM6	Hays Financial Consulting, LLC 2964 Peachtree Rd NW Ste 555 Atlanta, GA 30305 <3320-000 Accountant for Trustee Expenses (Trustee Firm)> , 200	Administrative 10/18/18		\$42.99 \$42.99	\$0.00	\$42.99
SURPL US	C&L DELLA VALLE XXVI, LLC 4570 BLACKLAND DRIVE MARIETTA, GA 30067 <8200-000 Surplus Funds Paid to Debtor Section 726(a)(6)> , 650	Unsecured 10/22/18		\$0.00 \$13,054.49	\$0.00	\$13,054.49
3	Dr. Daniel McBrayer 1605 South Park Street Lithia Springs, GA 30122 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 Claim allowed as a \$20,000 unsecured claim per Order, Docket # 66.	Unsecured 03/08/18		\$109,000.00 \$20,000.00	\$0.00	\$20,000.00
3I	Dr. Daniel McBrayer 1605 South Park Street Lithia Springs, GA 30122 <7990-000 Surplus Case Interest on Unsecured Claims (including priority)> , 640	Unsecured 10/22/18		N/A \$330.90	\$0.00	\$330.90
Case Total: \$1,304,518.56						\$162,072.87

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 17-71578-PMB

Case Name: C&L DELLA VALLE XXVI, LLC

Trustee Name: S. Gregory Hays

Balance on hand: \$ 162,072.87

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
1	AMF HOLDINGS, LLC	1,223,359.55	1,233,514.50	1,233,514.50	0.00
2	ACLAIMC CREDIT STRATEGIES FUND, LP	70,352.16	71,004.06	71,004.06	0.00

Total to be paid to secured creditors: \$ 0.00
 Remaining balance: \$ 162,072.87

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee, Fees - S. Gregory Hays	70,813.37	0.00	70,813.37
Accountant for Trustee, Fees - Hays Financial Consulting, LLC	7,320.00	0.00	7,320.00
Accountant for Trustee, Expenses - Hays Financial Consulting, LLC	42.99	0.00	42.99
Trustee, Expenses - S. Gregory Hays	306.62	0.00	306.62
Attorney for Trustee Fees (Other Firm) - Arnall Golden Gregory LLP	49,582.00	0.00	49,582.00
Attorney for Trustee Expenses (Other Firm) - Arnall Golden Gregory LLP	622.50	0.00	622.50

Total to be paid for chapter 7 administrative expenses: \$ 128,687.48
 Remaining balance: \$ 33,385.39

Applications for prior chapter fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments	Proposed Payment
None			

Total to be paid for prior chapter administrative expenses: \$ 0.00
 Remaining balance: \$ 33,385.39

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for priority claims: \$ 0.00
 Remaining balance: \$ 33,385.39

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$20,000.00 have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 100.0 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
3	Dr. Daniel McBrayer	20,000.00	0.00	20,000.00

Total to be paid for timely general unsecured claims: \$ 20,000.00
 Remaining balance: \$ 13,385.39

Tardily filed claims of general (unsecured) creditors totaling \$0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent, plus interest (if applicable).

Tardily filed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for tardily filed general unsecured claims: \$ 0.00
 Remaining balance: \$ 13,385.39

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent, plus interest (if applicable).

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for subordinated claims: \$ 0.00

Remaining balance: \$ 13,385.39

To the extent funds remain after payment in full of all allowed claims, interest will be paid at the legal rate of 1.65% pursuant to 11 U.S.C. § 726(a)(5). Funds available for interest are \$330.90. The amounts proposed for payment to each claimant, listed above, shall be increased to include the applicable interest.

The amount of surplus returned to the debtor after payment of all claims and interest is \$13,054.49.